

dwelling under section 6.4(d) of the zoning ordinance) and shall comply with all yard requirements except that such requirements and restrictions may be waived by the building official if the following conditions are met:

- (1) The complete structure is to be a minimum of two and one-half (2½) feet below the natural slope of the yard, except for entrance and vents.
  - (2) All vents and openings are to be fully screened from the street and adjacent properties by ornamental landscaping so that they are not visible from the street or adjacent properties.
  - (3) The existing grade will not be changed more than six (6) inches in the construction thereof.
  - (4) The structure will not be constructed on or interfere with any easement or any improvement in, on or above any easement on the property.
  - (5) The structure is to be so located, marked, and blocked so that vehicles cannot pass over it unless constructed with walls, and roof of sufficient strength to support the additional weight in accordance with the requirements of the building code and the building inspector.
  - (6) The structure shall be designed by a registered civil engineer or architect certifying that the structure will support all loads to be placed upon it.
- (b) All doors shall be openable from the inside without the use of a key, tool or special knowledge or effort.
  - (c) No light source depleting the oxygen content of air in the shelter may be used.
  - (d) The design of the shelter shall meet and satisfy all requirements now or hereafter established by the department of defense of the United States and such other requirements as may be required by the building official of the

city for the protection of the health, safety and welfare of the persons using same and the public. (Code 1961, § 7A.5)

#### **Sec. 8-28. Use other than in disasters.**

A civil defense shelter shall not be occupied, lived in or used for any purpose except in the case of a disaster as defined in this chapter unless such shelter satisfies all of the requirements of and is an otherwise legal accessory building under the zoning ordinance of the city (including the requirement under section 6.4(d) of the zoning ordinance that the accessory building be at least ten (10) feet from the dwelling) or unless a variance is obtained from the planning commission of the city under the provisions of the zoning ordinance of the city with respect thereto. (Code 1961, § 7A.6)

#### **Secs. 8-29—8-40. Reserved.**

### **ARTICLE III. CITY ORGANIZATION AND PROCEDURES DURING EMERGENCIES**

#### **Sec. 8-41. Purposes.**

The declared purposes of this article are to provide for the preparation and carrying out of plans for the protection of persons and property within this city in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this city with all other public agencies, corporations, organizations, and affected private persons. (Ord. No. 558, § 1, 3-10-75)

#### **Sec. 8-42. Definition.**

As used in this article, "emergency" shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment,

and facilities of this city, requiring the combined forces of other political subdivisions to combat. (Ord. No. 558, § 2, 3-10-75)

**Sec. 8-43. Disaster council—Created; membership.**

The Belmont Disaster Council is hereby created and shall consist of the following:

- (1) The mayor, who shall be chairman.
- (2) The director of emergency services, who shall be vice-chairman.
- (3) The assistant director of emergency services.
- (4) Such chiefs of emergency services as are provided for in a current emergency plan of this city, adopted pursuant to this article.
- (5) Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the director with the advice and consent of the city council. (Ord. No. 558, § 3, 3-10-75)

**Sec. 8-44. Same—Powers and duties.**

It shall be the duty of the city disaster council, and it is hereby empowered, to develop and recommend for adoption by the city council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The disaster council shall meet upon call of the chairman or, in his absence from the city or inability to call such meeting, upon call of the vice-chairman. (Ord. No. 558, § 4, 3-10-75)

**Sec. 8-45. Director and assistant director of emergency services—Offices created.**

(a) There is hereby created the office of director of emergency services. The city manager shall be the director of emergency services.

(b) There is hereby created the office of assistant director of emergency services, who shall be appointed by the director. (Ord. No. 558, § 5, 3-10-75)

**Sec. 8-46. Same—Powers and duties.**

- (a) The director is hereby empowered to:
- (1) Request the city council to proclaim the existence or threatened existence of a "local emergency" if the city council is in session, or to issue such proclamation if the city council is not in session. Whenever a local emergency is proclaimed by the director, the city council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect.
  - (2) Request the governor to proclaim a "state of emergency" when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency.
  - (3) Control and direct the effort of the emergency organization of this city for the accomplishment of the purposes of this article.
  - (4) Direct cooperation between and coordination of services and staff of the emergency organization of this city; and resolve questions of authority and responsibility that may arise between them.
  - (5) Represent this city in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.
  - (6) In the event of the proclamation of a "local emergency" as herein provided, the proclamation of a "state of emergency" by the governor or the director of the state office of emergency services, or the existence of a "state of war emergency," the director is hereby empowered:
    - a. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the city council;
    - b. To obtain vital supplies, equipment, and such other properties

found lacking and needed for the protection of life and property and to bind the city for the fair value thereof and, if required immediately, to commandeer the same for public use;

- c. To require emergency services of any city officer or employee and, in the event of the proclamation of a "state of emergency" in the county in which this city is located or the existence of a "state of war emergency," to command the aid of as many citizens of this community as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers;
- d. To requisition necessary personnel or material of any city department or agency; and
- e. To execute all of his ordinary power as city manager, all of the special powers conferred upon him by this article or by resolution or emergency plan pursuant hereto adopted by the city council, all powers conferred upon him by any statute, by any agreement approved by the city council, and by any other lawful authority.

(b) The director of emergency services shall designate the order of succession to that office, to take effect in the event the director is unavailable to attend meetings and otherwise perform his duties during an emergency. Such order of succession shall be approved by the city council.

(c) The assistant director shall, under the supervision of the director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of this city; and shall have such other powers and duties as may be assigned by the director. (Ord. No. 558, § 6, 3-10-75)

#### **Sec. 8-47. Emergency organization.**

All officers and employees of this city, together with those volunteer forces enrolled

to aid them during an emergency, and all groups, organizations, and persons who may, by agreement or operation of law, including persons impressed into service under the provisions of section 8-47(a)(6)c. of this article, be charged with duties incident to the protection of life and property in this city during such emergency, shall constitute the emergency organization of the city. (Ord. No. 558, § 7, 3-10-75)

#### **Sec. 8-48. Emergency plan.**

The city disaster council shall be responsible for the development of the city emergency plan, which plan shall provide for the effective mobilization of all of the resources of this city, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the city council. (Ord. No. 558, § 8, 3-10-75)

#### **Sec. 8-49. Expenditures.**

Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city. (Ord. No. 558, § 9, 3-10-75)

#### **Sec. 8-50. Punishment of violations.**

It shall be a misdemeanor, punishable as provided in section 1-8 of this Code, for any person during an emergency to:

- (1) Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this article, or in the performance of any duty imposed upon him by virtue of this article.
- (2) Do any act forbidden by any lawful rule or regulation issued pursuant to this article, if such act is of such a nature as to give or be likely to give assistance to the enemy or to imperil the lives or property of inhabitants of this city, or to prevent, hinder, or delay the defense or protection thereof.

- (3) Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the state. (Ord. No. 558, § 10, 3-10-75)